

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-475

January 29, 2002

CENTRAL MAINE POWER COMPANY
Request for Approval of a Special Rate
Contract with Interstate Bituminous
Materials, Inc.

ORDER APPROVING
CONTRACT

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

SUMMARY OF DECISION

In this Order, the Commission approves Central Maine Power Company's (CMP's) proposed customer service agreement (CSA) with Interstate Bituminous Materials, Inc. (Interstate).

DISCUSSION AND DECISION

On July 10, 2001, CMP filed with this Commission a proposed CSA with Interstate. This contract does not comply with all conditions of Attachment 6 of the ARP 2000.¹ Pursuant to Attachment 6, CSAs with terms no more than one year beyond the term of the ARP, that are not anti-competitive or unduly discriminatory and that provide revenues in excess of the Company's marginal cost floors plus an adder, go into effect automatically. The prices in this CSA, however, are not greater than the marginal cost floors. Therefore, in order to become effective, this CSA requires Commission review and approval.

We have reviewed the CSA and although we do not generally support contracts with revenue below marginal costs, we will grant approval in this instance. According to CMP, the facility served under this contract was to have been served under the same rate as in the proposed CSA, as part of a previous agreement with Rocky Hill Materials (which went into effect automatically, pursuant to the ARP in August, 2000, Docket No. 2000-620) but the Interstate facility was delayed. Further, the revenue loss (relative to retail rates) associated with this discount contract is small and does not present significant risk to CMP's other customers. Therefore, based on these circumstances, we will allow the CSA to go into effect.

¹ ARP 2000 was approved by Commission Order Approving Stipulation dated November 16, 2000 in Docket No. 99-666.

Accordingly, we

O R D E R

That the Customer Service Agreement with Interstate Bituminous Materials, Inc., filed by Central Maine Power Company on July 10, 2001, is hereby approved and may become effective as of the date of this Order.

Dated at Augusta, Maine, this 29th day of January, 2002.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch

Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.